



General Assembly

January Session, 2011

***Raised Bill No. 994***

LCO No. 3558

\*03558\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT AUTHORIZING THE SALE OF CONNECTICUT WINE AT FARMERS' MARKETS AND ESTABLISHING A FARMERS' MARKET WINE PERMIT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 30-16 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2011*):

4 (e) (1) A manufacturer permit for a farm winery shall be in all  
5 respects the same as a manufacturer permit, except that the scope of  
6 operations of the holder shall be limited to wine and brandies distilled  
7 from grape products or other fruit products, including grappa and  
8 eau-de-vie. As used in this section, "farm winery" means any place or  
9 premises, located on a farm in the state in which wine is manufactured  
10 and sold.

11 (2) Such permit shall, at the single principal premises of the farm  
12 winery, authorize (A) the sale in bulk by the holder thereof from the  
13 premises where the products are manufactured pursuant to such  
14 permit; (B) as to a manufacturer who produces one hundred thousand

15 gallons of wine or less per year, the sale and shipment by the holder  
16 thereof to a retailer of wine manufactured by the farm winery  
17 permittee in the original sealed containers of not more than fifteen  
18 gallons per container; (C) the sale and shipment by the holder thereof  
19 of wine manufactured by the farm winery permittee to persons outside  
20 the state; (D) the offering and tasting of free samples of such wine or  
21 brandy to visitors and prospective retail customers for consumption on  
22 the premises of the farm winery permittee; (E) the sale at retail from  
23 the premises of sealed bottles or other sealed containers of such wine  
24 or brandy for consumption off the premises; (F) the sale at retail from  
25 the premises of wine or brandy by the glass and bottle to visitors on  
26 the premises of the farm winery permittee for consumption on the  
27 premises; and (G) subject to the provisions of subdivision (3) of this  
28 subsection, the sale and delivery or shipment of wine manufactured by  
29 the permittee directly to a consumer in this state. Notwithstanding the  
30 provisions of subparagraphs (D), (E) and (F) of this subdivision, a  
31 town may, by ordinance or zoning regulation, prohibit any such  
32 offering, tasting or selling at retail at premises within such town for  
33 which a manufacturer permit for a farm winery has been issued.

34 (3) A permittee, when selling and shipping wine directly to a  
35 consumer in this state, shall: (A) Ensure that the shipping labels on all  
36 containers of wine shipped directly to a consumer in this state  
37 conspicuously state the following: "CONTAINS ALCOHOL—  
38 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR  
39 DELIVERY"; (B) obtain the signature of a person age twenty-one or  
40 older at the address prior to delivery, after requiring the signer to  
41 demonstrate that he or she is age twenty-one or older by providing a  
42 valid motor vehicle operator's license or a valid identity card described  
43 in section 1-1h; (C) not ship more than five gallons of wine in any two-  
44 month period to any person in this state; (D) pay, to the Department of  
45 Revenue Services, all sales taxes and alcoholic beverage taxes due  
46 under chapters 219 and 220 on sales of wine to consumers in this state,  
47 and file, with said department, all sales tax returns and alcoholic  
48 beverage tax returns relating to such sales; (E) report to the

49 Department of Consumer Protection a separate and complete record of  
50 all sales and shipments to consumers in the state, on a ledger sheet or  
51 similar form which readily presents a chronological account of such  
52 permittee's dealings with each such consumer; (F) not ship to any  
53 address in the state where the sale of alcoholic liquor is prohibited by  
54 local option pursuant to section 30-9; and (G) hold an in-state  
55 transporter's permit pursuant to section 30-19f or make any such  
56 shipment through the use of a person who holds such an in-state  
57 transporter's permit.

58 (4) No licensed farm winery may sell any such wine or brandy not  
59 manufactured by such winery, except a licensed farm winery may sell  
60 from the premises wine manufactured by another farm winery located  
61 in this state.

62 (5) The farm winery permittee shall grow on the premises of the  
63 farm winery or on property under the same ownership and control of  
64 said permittee or leased by the backer of a farm winery permit or by  
65 said permittee within the farm winery's principal state an average crop  
66 of fruit equal to not less than twenty-five per cent of the fruit used in  
67 the manufacture of the farm winery permittee's wine. An average crop  
68 shall be defined each year as the average yield of the farm winery  
69 permittee's two largest annual crops out of the preceding five years,  
70 except that during the first seven years from the date of issuance of a  
71 farm winery permit, an average crop shall be defined as three tons of  
72 grapes for each acre of vineyard farmed by the farm winery permittee.  
73 In the event the farm winery consists of more than one property, the  
74 aggregate acreage of the farm winery shall not be less than five acres.

75 (6) A holder of a manufacturer permit for a farm winery, when  
76 advertising or offering wine for direct shipment to a consumer in this  
77 state via the Internet or any other on-line computer network, shall  
78 clearly and conspicuously state such liquor permit number in its  
79 advertising.

80 (7) A holder of a manufacturer permit for a farm winery may sell

81 wine manufactured from such winery at a farmers' market, as defined  
82 in section 22-6r, that is operated as a nonprofit enterprise or association  
83 provided such farmers' market invites such holder to sell wine at such  
84 farmers' market and such holder has a farmers' market wine sales  
85 permit issued by the Commissioner of Consumer Protection in  
86 accordance with the provisions of section 2 of this act.

87     ~~[(7)]~~ (8) The annual fee for a manufacturer permit for a farm winery  
88 shall be three hundred dollars.

89     Sec. 2. (NEW) (*Effective July 1, 2011*) The Commissioner of Consumer  
90 Protection shall issue a farmers' market wine sales permit to a holder  
91 of a manufacturer permit for a farm winery upon submission of proof  
92 to the commissioner that such holder is in compliance with the  
93 requirements of subsection (e) of section 30-16 of the general statutes,  
94 as amended by this act. Such permit shall authorize the sale of wine  
95 manufactured from such farm winery during an unlimited number of  
96 appearances at a farmers' market at not more than three farmers'  
97 market locations per year provided such holder: (1) Has an invitation  
98 from such farmers' market to sell wine at such farmers' market, (2)  
99 only sells wine by the bottle at such farmers' markets, and (3) is  
100 present, or has an authorized representative present, at the time of sale  
101 of any such bottle of wine from such farm winery at such farmers'  
102 market. Any such farmers' market wine sales permit shall be valid for  
103 a period of one year from the date of issuance. The annual fee for a  
104 farmers' market wine sales permit shall be two hundred fifty dollars.  
105 The commissioner shall collect a one-hundred-dollar, nonrefundable,  
106 filing fee for any such permit.

107     Sec. 3. (NEW) (*Effective July 1, 2011*) Any town or municipality may,  
108 by ordinance or zoning regulation, prohibit the sale of wine by the  
109 holder of a farmers' market wine sales permit at a farmers' market held  
110 in such town or municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	30-16(e)
Sec. 2	<i>July 1, 2011</i>	New section
Sec. 3	<i>July 1, 2011</i>	New section

***Statement of Purpose:***

To authorize the sale of farm wines at farmers' markets.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*